



July 20, 1999

Mr. John C. Adamo
Human Resources Attorney
Texas Department of Protective and Regulatory Services
8100 Cameron Road, Suite 150
Austin, Texas 78754-3814

OR99-2027

Dear Mr. Adamo:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 126284.

The Texas Department of Protective and Regulatory Services (the "department") received two open records requests, from the same requestor, for "[a]ll correspondence via facsimile and e-mail" between certain specified individuals. In response to the requests, you submit to this office for review the information which you assert is responsive.¹ You state that the department will make available to the requestor some responsive information. You contend, however, that the records, submitted as Exhibit A, are excepted from required public disclosure by section 552.107 of the Government Code. We have considered the exception and arguments you raise, and have reviewed the information submitted.

You contend that the documents you submitted to this office as Exhibit A are excepted from required public disclosure pursuant to section 552.107 of the Government Code. Section 552.107 excepts information from disclosure if:

it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct.

¹You have also submitted to this office information that apparently was sent for informational purposes only. In this ruling, we do not address the public disclosure of that information.

Gov't Code § 552.107. Section 552.107(1) protects from disclosure information that reveals client confidences to an attorney or that reveals the attorney's legal advice, opinion, and recommendation. *See* Open Records Decision No. 574 (1990). In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. We note that section 552.107 does not provide a blanket exception for all communications between clients and attorneys or all documents created by an attorney. Where an attorney represents a governmental entity, the attorney-client privilege protects an attorney's legal advice and confidential attorney-client communications. *Id.* Accordingly, these two classes of information are the only information contained in the records at issue that may be withheld pursuant to the attorney-client privilege. However, section 552.107(1) does not protect purely factual information. *Id.* We have marked a representative sample of the *types* of information, within the submitted documents, that the department may withhold from the public pursuant to section 552.107(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Sam Haddad". The signature is fluid and cursive, with the first name "Sam" and last name "Haddad" clearly legible.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 126284

Encl: Submitted information

cc: Mr. Christopher C. Riddick
3330 Country Square, Drive. #321
Carrollton, Texas 75006
(w/o enclosures)

Mr. John C. Danish
Attorney & Counselor at Law
1117 Capitol Court
Irving, Texas 75060-6200
(w/o enclosures)